

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

OCT 31 2014

Clerk, U.S. District Court  
District Of Montana  
Missoula

DEANNA KAY SIMON,

CV 14-237-M-DLC

Plaintiff,

ORDER

vs.

THE STATE OF MONTANA,  
JOSHUA M. SIMON, MATT  
MCKITTRICK, and CASCADE  
COUNTY JAIL,

Defendants.

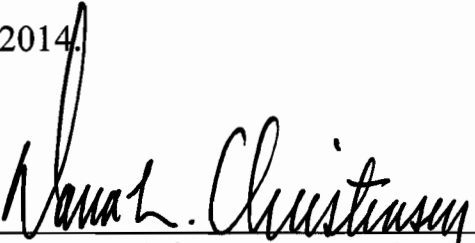
United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on October 21, 2014, recommending that Plaintiff Simon's motion to proceed in forma pauperis be denied because she failed to provide a copy of her prison account statement as required by 28 U.S.C. § 1915(a)(2). Simon is not entitled to a ten-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam).

It was unclear whether Simon's Complaint and motion to proceed in forma pauperis in this case was intended to be a new civil case or if she wanted the documents to be filed in her habeas case, Civil Action No. 14-CV-67-GF-BMM. Judge Lynch required Simon to clarify her intent on or before October 17, 2014.

Simon notified the Court on October 22, 2014 that she intended her Complaint (Doc. 2) and motion to proceed in forma pauperis (Doc. 1) to be filed in her ongoing habeas case.

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 4) are ADOPTED and Simon's motion to proceed in forma pauperis (Doc. 1) is DENIED AS MOOT. This case is CLOSED.

Dated this 31<sup>st</sup> day of October, 2014.

  
\_\_\_\_\_  
Dana L. Christensen, Chief Judge  
United States District Court